

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

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UNITED STATES OF AMERICA,	:	:	Docket No. 5:17-cr-00011-DCN-1
	:	:	
Plaintiff,	:	:	
	:	:	
v.	:	:	CERTIFICATION OF COUNSEL IN
	:	:	SUPPORT OF CONSENT MOTION TO
	:	:	ADJOURN THE SENTENCING FROM
MAURICE A. STEWART,	:	:	APRIL 24, 2019 TO MAY 21, 2019
	:	:	AT 2:00 P.M.
Defendant.	:	:	
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I, Jay V. Surgent, Esq., an Attorney-at-Law of the State of New Jersey, of full age, certify as follows:

1. I represent the defendant Maurice A. Stewart, and am respectfully requesting, with the consent of the government, an adjournment of the defendant's sentencing presently scheduled for April 24, 2019, to May 21, 2019, at 2:00 p.m., depending on the Court's availability.

2. On December 7, 2018, the defendant was found guilty by jury trial of possession with intent to distribute methamphetamine, possession with intent to distribute cocaine and cocaine base, possession of a firearm in furtherance of a drug trafficking crime, and felon in possession of a firearm.

3. The defendant has been held in continuous federal custody since October 10, 2017, and is currently incarcerated at the North East Ohio Correctional Facility located in Youngstown,

Ohio. This makes communication (verbal and documentary) with the defendant very difficult (defense counsel's office and home is in New Jersey) since my entry of appearance on this matter on March 6, 2019.

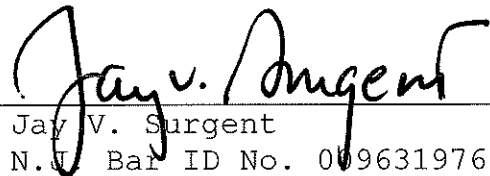
4. Reasons for the requested adjournment are as follows:

- a) Defense counsel just received the final version of the Presentence Investigation Report (PSR) from Federal Probation on April 15, 2019, and defendant received his copy on April 17, 2019. Defense counsel needs time to review the PSR with defendant since it appears that there has been a significant change in the report, with reference to the Criminal History Calculation and Offense Level Calculation, and discuss other PSR points with the defendant;
- b) It is defense counsel's practice to submit a Sentencing Memorandum and briefing to the Court prior to sentencing, which will serve as a basis for counsel's oral argument at the time of sentencing for a downward departure referenced in the PSR. Moreover, defense counsel needs time to review the sentencings of the co-defendants, for oral argument with regard to defendant's sentencing.
- c) Defense counsel would like time to review sentencing factors outlined in 18 U.S.C. §3553(a) with client to get a clear understanding of its application(s) in counsel's sentencing arguments.
- d) Defense counsel would like time to review the government's response filed on April 17, 2019 to the defendant's Rule 33 motion concerning legal arguments, briefing, and factual review with the defendant since present counsel was not defendant's counsel at the time of trial.
- e) Defendant has consented to this adjournment request, and will not lose service credits if this matter is adjourned, because he is already incarcerated.

5. My adversary, AUSA Aaron P. Howell, consents to the request to adjourn the sentencing from April 24, 2019 to May 21, 2019, at 2:00 p.m.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 18, 2019

A handwritten signature in black ink, reading "Jay V. Surgent", is written over a horizontal line.

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